

# Appendix A: Agency and Public Scoping Summary Report

## A.1 Introduction

### A.1.1 Purpose

On July 30, 2001, the Six County Association of Governments (SCAOG), a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne Counties in central Utah, filed a petition with the U.S. Surface Transportation Board (Board) for authority to construct and operate a new rail line that would connect the Union Pacific Railroad (UPRR) mainline located near Juab, Utah to Salina, Utah. The Surface Transportation Board is a bipartisan, independent adjudicatory body with jurisdiction over certain surface transportation economic regulatory matters, such as rail rates, railroad acquisitions and consolidations, rail construction, and the abandonment of rail services.

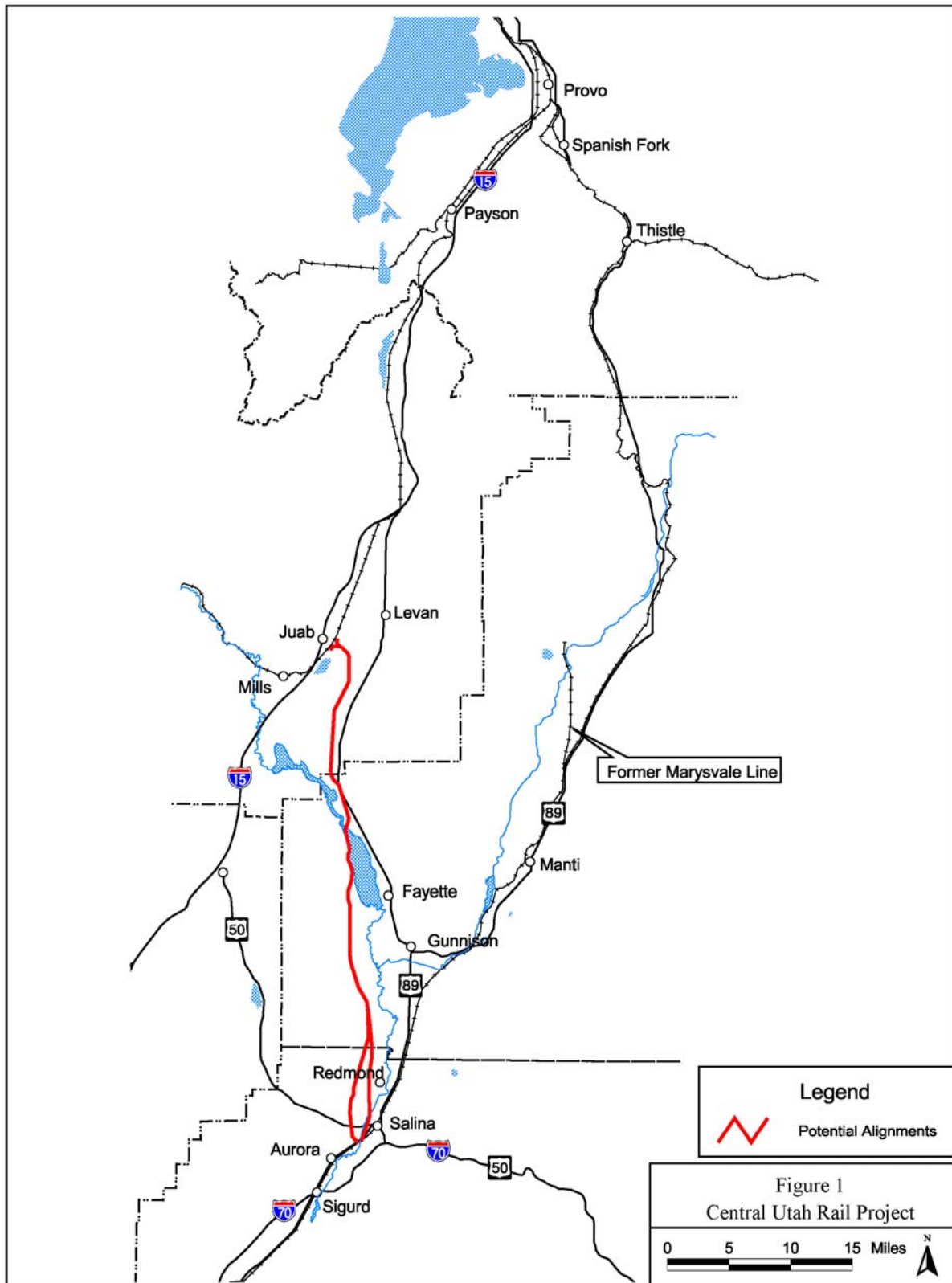
Because of the potential impacts this project could have on the surrounding environment, the Board's Section of Environmental Analysis (SEA) requested that an Environmental Impact Statement (EIS) be prepared. An EIS describes the proposed project, the proposed alternatives, the existing environment in the project area, and the potential environmental impacts associated with the Proposed Action and alternatives. The Board published a Notice of Intent to prepare an EIS on September 30, 2003.

The purpose of this report is to summarize the activities undertaken during the scoping period and the public and agency comments received. Scoping is the first step in the EIS process and involves using public and agency participation to develop alternatives and identify issues that should be examined during the environmental review process. Scoping also helps determine needs, objectives, resources, constraints, potential options, and requirements for screening criteria. This report will help the Board identify potential environmental concerns and alternatives to be considered in the EIS.

### A.1.2 Background

The former Denver & Rio Grande Western (D&RGW) railroad provided rail service to the central Utah counties of Sanpete, Sevier, and Paiute over the Marysvale branch of the D&RGW (see Figure A-1 below) until April 1983, when a major landslide buried the D&RGW's main line just west of Thistle. The D&RGW constructed a new line that same year, but high spring runoff caused washout damage at many other locations along the rail line. Due to the high costs of reconstruction, the D&RGW filed for abandonment in 1984.

**Figure A-1. Central Utah Rail Project Potential Alignments**



Since 1983, shippers in the Sevier Valley have trucked their goods to markets or to rail/truck transfer points on local and regional roadways. For example, the Southern Utah Fuels Company (SUFCO) operates a large coal mine in Sevier County and is the Sevier Valley's largest employer. SUFCO trucks over 7 million tons of coal per year. However, Canyon Fuels, SUFCO's parent company, has stated that the long truck haul currently needed to transport their coal from the mine to the truck/rail transfer point at Sharp, Utah (west of Levan) is more expensive than a more direct shipment by rail would be, thus affecting SUFCO's competitiveness with other regional coal producers and threatening the viability of their operations.

Additionally, much of this truck traffic uses SR 10, I-70, SR 89, SR 28, I-15, and SR 50 and passes through the towns of Salina, Centerfield, Gunnison, and Levan. Most of these roads currently carry about 750 trucks per day in each direction, with about 1,500 trucks passing through downtown Salina each day at a rate of about one truck per minute.

To help support the local economy and to reduce the number of trucks on area roads, SCAOG conducted a study of potential rail line routes, which would alleviate the coal truck traffic on local roads and highways. Based on the results of the study, SCOAG applied to the Board for authority to construct and operate a new single-track rail line between a truck/rail transfer station near Juab and Salina through Sanpete, Sevier, and Juab Counties.

### **A.1.3 Process**

The Board asked the public and agencies with interests in the corridor to submit comments explaining what issues they would like analyzed in the EIS and what their concerns or ideas are regarding the operation of the new rail line. The Board used several tools to involve the public, agencies with interests in the corridor, and the local Native American tribes to participate in the Central Utah Rail Project (CURP) EIS scoping process. The public involvement process for each stakeholder group is detailed in the applicable sections below: Section A.2.1, Agency Consultation; Section A.2.2, Native American Consultation; and Section A.2.4, Summary of Public Scoping Activities.

This document is a tool to ensure that analysis conducted for the EIS is focused on the appropriate issues. All public and agency comments are considered in this project and comments received by February 2004 have been included in this report. Comments were catalogued by name of commenter, comment code, and method.

A total of 76 comments were received from the public and 37 comments were received from agency representatives. Many comments addressed several different issues. These issues are identified in Section A.4, CURP Comments. Copies of the original comments are available in Appendix D, Copies of Comments.

## **A.2 Summary of Agency Scoping Activities**

### **A.2.1 Agency Consultation**

Prior to the beginning of the public scoping period, the Board began inviting agencies with interests in the corridor to participate in the environmental review process. Their comments helped the Board determine what level of study was required for the proposed rail line. The agencies were asked to help identify environmental concerns and issues in the corridor. An agency scoping meeting was held on 21 May 2003 to solicit additional agency comments regarding the project.

Letters of notification for the meeting were mailed on 1 April 2003 to about 44 agencies representing interests in the corridor. These letters invited the agencies to attend the agency scoping meeting and provide comments on the project. Project representatives made follow-up phone calls to the invitees on 24 April 2003 through 25 April 2003 and again on 15 May 2003 to ensure that the agencies had received notice of the meetings. Copies of these letters and the initial project mailing list are included in Appendix B, Agency Coordination. There were 29 attendees at this meeting representing 19 agencies.

These agencies were again invited to submit comments during the CURP public scoping period. A letter with project information, a request for agency comments, and an invitation to the public scoping meetings was mailed to agencies on 14 October 2003.

The comments collected from the agencies both before and during the public scoping period are included in this document and will be used to help identify potential issues that need further review in the CURP EIS process.

A total of 37 agency comments were received before and during the public scoping period. Many of the comments identified several issues. The comments received are summarized in Section A.2.3, Agency and Native American Comments, and are also included in Section A.4, CURP Comments. Copies of the original agency comments are included in Appendix D, Copies of Comments.

### **A.2.2 Native American Consultation**

The Board initiated and followed a Tribal Consultation Plan for involving the local Native American tribes represented in the corridor in the EIS process. A copy of this plan is included in Appendix C (of this Draft EIS), Native American Consultation. Although the Native American tribes represented in Utah were included in all public and agency scoping efforts, the Board made an additional effort to involve the tribes in the EIS process.

Utah is home to five federally recognized Native American tribes: the Ute, Paiute, Goshute, Shoshoni, and Navajo. The Paiutes of southern Utah are divided into five bands: the Kanosh Band, the Koosharem Band, the Indian Peaks Band, the Cedar City Band, and the Shivwits Band. The Goshute Tribe of northwestern Utah is divided into two groups: the Skull Valley

Band and the Confederated Tribes of the Goshute Reservation. In addition, the Hopi tribe of Arizona claims portions of Utah as part of their ancestral homelands and therefore were considered in the consultation process. A list of tribal contacts for this project is included in Appendix C (of this Draft EIS), Native American Consultation.

Below is a detailed list of coordination efforts used to involve the tribes in the CURP EIS process.

- Tribal contacts were mailed letters of invitation to attend the agency scoping meeting on 21 May 2003.
  - Invitations were mailed on 7 May 2003.
- Project representatives invited the tribes to attend a drive-through of potential rail corridor alignments on 20 May 2003.
  - Phone calls were made to the tribal points-of-contact the week of 12 May 2003 inviting them to the drive-through and reminding them about the agency scoping meeting.
  - Follow-up letters and a tour itinerary were sent to the tribes on 14 May 2003.
- The tribes were sent individual letters as well as project newsletters inviting them to the public scoping meetings and requesting their input on identifying potentially sensitive environmental and cultural areas in the Central Utah Rail corridor.
  - Letters were sent on 8 October 2003.
  - Newsletters were sent on 14 October 2003.
  - Follow-up phone calls to the tribes were made on 14 October 2003 to make sure that the tribes were aware of the public scoping meetings and again requesting their comments regarding the project.
- A letter and maps were sent upon request to the Goshute Tribe on 7 January 2004.
- Follow-up calls were made to the Goshute tribe between 8 January 2004 and 14 January 2004.

Copies of the communications described above are included in Appendix C (of this Draft EIS), Native American Consultation. A brief summary of the comments is included in Section A.2.3, Agency and Native American Comments. Comments received from the tribes are summarized in Section A.4, CURP Comments, and copies of the original comments are provided in Appendix D, Copies of Comments.

### **A.2.3 Agency and Native American Comments**

Several agencies, including Native American tribes, submitted comments pertinent to various resources in the Central Utah Rail project area.

Agency and tribal comments were received by the following methods:

- Comment forms at the public meetings (2)
- E-mail (6)
- Mail (29)
- Hotline (0)

A summary of the most common comments submitted by the responding agencies is provided below. A summary of all comments received by resource area is included in Section A.4, CURP Comments, and copies of the original comments are provided in Appendix D, Copies of Comments.

- The Hopi Tribe requested consultation on cultural findings and potential impacts and requested a copy of the archaeological survey.
- The Utah State Historical Society alerted the project team that the potential effects on cultural resources in this corridor are high.
- The Utah Department of Environmental Quality expressed concerns for the agricultural interests in the corridor and described potential wetland areas near Chicken Creek Reservoir and drinking water source protection zones in the area.
- The Federal Emergency Management Agency (FEMA) identified Sevier and Sanpete Counties as National Flood Insurance Program (NFIP) communities.
- The Uinta National Forest explained that the national forest east of Levan is administered by the Manti-LaSal National Forest.
- Sunrise Engineering wrote on behalf of the Town of Redmond to identify concerns regarding two wells and the drinking water source protection zone that might extend across the proposed railroad route.
- The Bureau of Land Management (BLM) questioned potential impacts to several specific resources in the corridor ranging from land use to threatened and endangered species. BLM confirmed that agency representatives would attend the agency scoping meeting on 21 May 2003.
- The Natural Resources Conservation Service described concerns regarding hydric (wet) soils east of Chicken Creek Reservoir, Roshe Springs, and Saltair.
- Gunnison City Corporation expressed support for the project.

- The Utah Department of Wildlife Resources detailed sensitive, threatened, and endangered species encountered in the corridor and expressed concern for other wildlife habitat throughout the area.
- The Utah Farm Bureau questioned the impacts associated with possible segmentation of farmland, wetland mitigation, the right-of-way process, and compensation available for potential impacts.
- The Ute Indian Tribe said that they would try to send a representative to the 21 May 2003 meeting.
- The Utah State Division of Parks and Recreation expressed concerns about the proximity of the proposed rail line to the entrance of the Painted Rocks Campground Park and detailed wetlands to the south of the Painted Rocks area. They requested more information about the proposed alignment.
- The U.S. Fish and Wildlife Service supported the alternative with the least adverse impacts to fish and wildlife. They confirmed that two representatives would attend the agency scoping meeting on 21 May 2003.

A summary of these comments by resource area is included in Section A.4, CURP Comments. Copies of the original comments are provided in Appendix D, Copies of Comments.

#### **A.2.4 Summary of Public Scoping Activities**

This section summarizes the Board's public scoping process including preparation, notification, open house activities, and comments received during the scoping portion of the Central Utah Rail EIS project.

#### **A.2.5 Public Scoping Meeting Notification**

To initiate the EIS process, the Board released a Notice of Intent (NOI) in the *Federal Register* on 30 September 2003 announcing the start of the scoping process. The NOI included the dates and times of the public meetings (see Appendix A, Notice of Intent). Additional methods used to notify the public of the scoping meetings in the project area are listed below.

1. SEA placed paid legal advertisements in the following newspapers:
  - a. *The Salt Lake Tribune* and *Deseret News* (statewide circulation) on 16 October 2003
  - b. *Sanpete Messenger* (Manti) on 16 October 2003
  - c. *The Pyramid* (Mt. Pleasant) on 16 October 2003
  - d. *The Richfield Reaper* (Richfield) on 15 October 2003

- e. *Salina Sun* and *Gunnison Valley News* (Gunnison) on 15 October 2003
- f. *The Times-News* (Nephi) on 15 October 2003
- 2. A media release was prepared by the Board and sent out to the media on 20 October 2003.
- 3. About 70 newsletters were distributed to individuals on the CURP mailing list on 14 October 2003.
- 4. Several media outlets ran stories about the project before and after the public meetings. The dates and publications of those articles are listed below.
  - o 8 October 2003, *The Richfield Reaper* (Richfield)
  - o 8 October 2003, *Gunnison Valley News* and *Salina Sun* (Gunnison)
  - o 8 October 2003, *The Times-News* (Nephi)
  - o 29 October 2003, *Gunnison Valley News* and *Salina Sun* (Gunnison)
  - o 29 October 2003, *The Richfield Reaper* (Richfield)
  - o 5 November 2003, *The Richfield Reaper* (Richfield)

The above materials are provided in Appendix E, Public Scoping Materials.

#### **A.2.6 Public Scoping Open Houses**

In October 2003, the Board held two open-house-format public scoping meetings. Below are the dates and locations of the public scoping open houses:

Wednesday, 22 October 2003

North Sevier High School

Salina, Utah

Thursday, 23 October 2003

Gunnison City Hall

Gunnison, Utah

There were a total of 107 signatures on the attendance sheets for the two meetings. A total of 36 individual comments were received. Those comments are included in this report in Section A.4, CURP Comments, and original copies of the comments are available in Appendix D, Copies of Comments.

The first open house was held on Wednesday, 22 October 2003, at the North Sevier High School in Salina from 6:00 to 8:00 PM. A total of 74 people signed the register and 19 submitted comments.

The second open house was held on Thursday, 23 October 2003, at the Gunnison City Hall in Gunnison from 6:00 to 8:00 PM. A total of 33 individuals signed the register and 7 submitted comments.



Following the meetings, an additional 50 comments were received from individuals who have interests in the project, for a total of 76 individual public comments.

### **A.2.7 Public Scoping Meeting Format**

The following is the general format of the public scoping meetings:

- The public was encouraged, but not required, to sign in at the registration desk.
- Each participant was asked to fill out a name tag to allow the staff to better identify with each individual.
- Each participant was given a comment sheet and a project newsletter detailing the meeting agenda, an overview of the Board's National Environmental Policy Act (NEPA) process, information about how to submit comments, and additional contact information. A handout was also available explaining who the Board is and their role in this project.
- Phillis Johnson-Ball, the Board's SEA representative, gave a brief presentation and answered questions from the audience.
- Displays included study area maps and informational boards.
- Attendees were encouraged to view the display material and submit questions or comments on the materials provided.
- Attendees were invited to use markers to identify issues on the maps.
- Poster paper was available to allow attendees to write down individual issues in a format that was visible to all.
- A project representative took notes during the discussions to ensure all issues were captured.
- Besides the comment forms distributed as guests arrived, additional forms were available at tables around the room.
- Self-addressed stamped envelopes were available to anyone who wanted to submit comments at a later date.
- Attendees were also invited to submit comments via e-mail or on the project hotline. The e-mail address and hotline number were listed in the project newsletter.

Public comments were received by the following methods:

- Comment forms at the public meetings (26)
- E-mail (4)
- Mail (46)
- Hotline (0)

### **A.2.8 Issues Identified in Public Comments**

Below is a summary of the most common questions and concerns raised by those who submitted comments. A summary of all comments by resource area is included in Section A.4, CURP Comments, and copies of the original comments are provided in Appendix D, Copies of Comments.

- Support for or opposition to the rail project
- Comments stating that the rail line could help improve the area's economy
- Comments supporting a reduction in the number of trucks on local roads
- Comments stating that the rail line will reduce the wear and tear on local roads
- Comments supporting or opposing the location of the SCOAG Preferred Alternative
- Concerns about access to and irrigation impacts on divided properties
- Support for moving the alternative to the west side of the valley onto BLM-administered land and reducing impacts to agricultural land
- Concerns about mitigation and compensation for impacted properties
- Concerns about safety of children near rail lines
- Concerns about safety of animals near rail lines

### **A.3 Guide to Comments**

Agencies and the public will have the opportunity to provide input throughout the environmental review process and comments will be welcomed throughout the project. However, comments had to be received by 23 January 2004 to be considered in this document. Copies of all written comments considered in this document are included in Appendix D, Copies of Comments.

Each written letter/comment was reviewed as it was received. Some letters contained several issues. Each issue per comment was numbered sequentially and labeled according to the resource area to which it related. All issues will be considered in the EIS, and a summary of all comments received by resource area is presented in Section A.4, CURP Comments. Copies of the original comments are provided in Appendix D, Copies of Comments.

### A.3.1 Comment Coding

The following letters and numbers are used to represent individual comments that were received and coded.

- Code 1
  - **P** = Comments received from the **public** during the scoping period (30 September 2003 – 23 January 2004).
  - **A** = Comments received from an **agency** before or during the scoping period.
- Code 2
  - **000** = Sequential number assigned to each comment received during the scoping period (not necessarily in the order received).
- Code 3
  - **00** = Sequential number assigned to each issues identified within each comment. Many comments contained several different issues, which must be considered individually.

Additionally, as each comment was logged on to the STB website for filing, it was issues an STB filing number. That number is listed here for reference.

Table A-1 lists all comments received during the Central Utah Rail EIS scoping period according to name, comment number, and comment method.

**Table A-1. Comments Received during the Scoping Period**

<b>Name</b>	<b>Comment Number</b>	<b>Comment Method</b>	<b>STB Filing Number</b>
<b>Public Comments</b>			
Richard Barnett	P-001	Mail	EI-511
Nancie and Bradley Staples	P-002	Mail	EI-512
Jake Aubrecht	P-003	Mail	EI-513
Challis Paul Anderson	P-004	Meeting	EI-514
G. Allen Crane	P-005	Meeting	EI-515
Clint Johnson	P-006	Meeting	EI-516
Kinley K. Peterson	P-007	Meeting	EI-517
Doug Anderson	P-008	Meeting	EI-518
Sammy Bates	P-009	Meeting	EI-519
Todd Henri Chesnut	P-010	Meeting	EI-520
Ronald Bosshardt	P-011	Meeting	EI-521
Craig Thurston	P-012	Meeting	EI-522
Kasey Bosshardt	P-013	Meeting	EI-523
Curtis Peterson	P-014	Meeting	EI-524
Kyle Q. Bosshardt	P-015	Meeting	EI-525
Joseph Chesnut	P-016	Meeting	EI-526
Shawn Christensen	P-017	Meeting	EI-528
Mark Bosshardt	P-018	Meeting	EI-529
Jon Hansen	P-019	Meeting	EI-530
Boyd Jewkes	P-020	Meeting	EI-531
Henry Nielsen	P-021	Meeting	EI-532
Debra Sorensen	P-022	Meeting	EI-533
Byran Worley	P-023	Meeting	EI-534
Morgan K. Jensen	P-024	Meeting	EI-535
Neal Bosshardt	P-025	Meeting	EI-536
Rhett M. Roberts	P-026	Mail	EI-537
Eugene White	P-027	Meeting	EI-538
Ray Wallberg	P-028	Meeting	EI-539
(Article)	P-029	Meeting	EI-540
Bruce Blackham	P-030	Meeting	EI-549

Name	Comment Number	Comment Method	STB Filing Number
Lea McCullough	P-031	Mail	EI-550
Diane McCullough			
Chad Haribson			
Taia Jones			
Willie Jones			
Katie Jones			
Dalton Jones			
Bridget Jones			
Terry Alquist	P-032	Mail	EI-551
Marina Sorensen	P-033	Mail	EI-553
David Ray Peterson	P-034	Mail	EI-554
David Ray Peterson	P-035	Mail	EI-555
Charles W. Lund	P-036	Mail	EI-556
Leah Jane Carter	P-037	Mail	EI-557
Brent Lambson	P-038	Mail	EI-558
Ryan and Kim Savage	P-039	Mail	EI-559
Kirk and Maridon Rappleye	P-040	Mail	EI-560
Barbara Christensen	P-041	Mail	EI-561
Milo Bosshardt	P-042	Mail	EI-562
Clyde Eugene Kramme	P-043	Mail	EI-563
Wayne Hatch	P-044	Mail	EI-564
Kary B. Monroe	P-045	Mail	EI-565
Timothy M. Jones	P-046	Mail	EI-566
Steve Gossard	P-047	Mail	EI-567
Tanielle Condor	P-048	Mail	EI-568
Diane McCullough	P-049	E-mail	EI-569
Eric Hunt	P-050	E-mail	EI-570
Allen Dyreng	P-051	Mail	EI-571
Andrew Dahlsrud	P-052	Mail	EI-572
Bob Brown	P-053	Mail	EI-573
Loni Hammond	P-054	Mail	EI-574
Alan Kenison	P-055	Mail	EI-575
Keith M. Hampton	P-056	Mail	EI-576
Russell and Taunya Otten	P-057	Mail	EI-577
Larry and Barbara Gilbert	P-058	Mail	EI-578
Wesley Sorensen	P-059	Mail	EI-579
Tom and Bess Christensen	P-060	Mail	EI-580
Keith Sorensen Sr.	P-061	Mail	EI-581

Name	Comment Number	Comment Method	STB Filing Number
Dave Bown	P-062	Mail	EI-582
Darin Robinson	P-063	Mail	EI-583
Gwenyth Crane	P-064	Mail	EI-584
Barbara Gilbert	P-065	Mail	EI-585
Pamela Bingham	P-066	Mail	EI-586
Wendell P. Rasmussen	P-067	Mail	EI-587
M. Kardell Rasmussen	P-068	Mail	EI-588
Ed Clark Jensen	P-069	Mail	EI-589
Rachel T. Jensen	P-070	Mail	EI-590
Larry Crane	P-071	E-mail	EI-719
Mark Story	P-072	E-mail	EI-720
Sherman Christensen	P-073	Mail	EI-721
Clyde L. Bunker	P-074	Mail	EI-722
Winona Rivera	P-075	Mail	EI-723
Denzel J. Anderson	P-076	Mail	EI-724
<b>Agency Comments</b>			
Leigh J. Kuwanwisiwma <i>Hopi Tribe</i>	A-001	Mail	EI-480
Leigh J. Kuwanwisiwma <i>Hopi Tribe</i>	A-002	Mail	EI-481
Harry R. Maddux <i>U.S. Fish and Wildlife Service</i>	A-003	Mail	EI-483
Terry Green <i>Utah State Division of Parks and Recreation</i>	A-004	E-mail	EI-484
Terry Green <i>Utah State Division of Parks and Recreation</i>	A-005	E-mail	EI-485
Ted Wooley <i>Utah State Division of Parks and Recreation</i>	A-006	E-mail	EI-486
Steven R. Plunkett <i>United State Army</i>	A-007	E-mail	EI-487
Bruce A. Blackham Greg Dettinger Claudia Jarrett <i>Sanpete County Commission</i>	A-008	Mail	EI-488
David I. Maurstad <i>Federal Emergency Management Agency</i>	A-009	Mail	EI-489

Name	Comment Number	Comment Method	STB Filing Number
Douglas Sakagushi <i>Utah Division of Wildlife Resources</i>	A-010	Mail	EI-490
Mark B. Henline <i>Gunnison City Mayor and Council</i>	A-011	Mail	EI-491
Victor Parslow <i>Natural Resources Conservation Service</i>	A-012	Mail	EI-492
Aden Seidlitz <i>Bureau of Land Management</i>	A-013	Mail	EI-493
Sunrise Engineering <i>Representing Town of Redmond</i>	A-014	Mail	EI-494
John B. Keeler <i>Utah Farm Bureau Federation</i>	A-015	Mail	EI-495
James L. Dykmann <i>Utah State Historic Preservation Office</i>	A-016	Mail	EI-496
Roger Foisy <i>Utah Department of Environmental Quality</i>	A-017	Mail	EI-497
Jeff Rasmussen <i>Utah State Division of Parks and Recreation</i>	A-018	Mail	EI-498
Sen. Robert F. Bennett Sen. Chris Cannon <i>United States Senate</i>	A-019	Mail	EI-499
Dal Hawks <i>Utah Department of Transportation, Region 4</i>	A-020	Mail	EI-500
Peter Karp <i>U.S. Forest Service</i>	A-021	Mail	EI-501
Marilyn S. Anderson Newell Hales Mark Larsen Jim Casto Tom Harrison Jim Reynolds <i>Salina City Mayor and Council</i>	A-022	Mail	EI-502
Dorena Martineau <i>Paiute Indian Tribe</i>	A-023	Meeting	EI-503
Sally East <i>Sanpete County Economic Development</i>	A-024	Meeting	EI-504

<b>Name</b>	<b>Comment Number</b>	<b>Comment Method</b>	<b>STB Filing Number</b>
Ralph Okerlund Gary Mason Doug Peterson <i>Sevier County Commission</i>	A-025	Mail	EI-505
Jody A. Gale <i>Utah State Extension Office</i>	A-026	Mail	EI-506
Robert L. Morgan <i>Department of Natural Resources</i>	A-027	Mail	EI-507
Linda Mickelsen, Mayor <i>Town of Redmond</i>	A-028	Mail	EI-508
James Dykmann <i>State Historic Preservation Office</i>	A-029	Mail	EI-510
Nancy Kang <i>U.S. Army Corps of Engineers</i>	A-030	Mail	EI-725
Amy Defreese <i>U.S. Army Corps of Engineers</i>	A-031	Mail	EI-726
John Harja <i>Resource Development Coordinating Committee</i>	A-032	Mail	EI-727
Amy Defreese <i>U.S. Army Corps of Engineers</i>	A-033	E-mail	EI-728
Aden Seidlitz <i>Bureau of Land Management</i>	A-034	Mail	EI-729
Robert L. Morgan <i>Department of Natural Resources</i>	A-035	Mail	EI-730
Larry Svoboda <i>U.S. Environmental Protection Agency</i>	A-036	Mail	EI-731
Nancy Demille <i>Bureau of Land Management</i>	A-037	E-mail	EI-732



### A.3.2 Comment Categories

A total of 76 public comments and 37 agency comments detailing 621 individual issues were submitted during the scoping period for the CURP EIS. Table A-2 lists the number of comments received for each topic and the percentage of the total comments that each category represents.

**Table A-2. CURP Issues Identified by Resource**

<b>Resource</b>	<b>Number of Comments</b>	<b>Percent of Total (%)</b>
<b>Purpose of and Need for Action</b>	<b>142</b>	<b>23</b>
<b>Proposed Action and Alternatives</b>	<b>99</b>	<b>16</b>
<b>Environmental Consequences</b>	<b>380</b>	<b>61</b>
Rail operations and rail operation safety	46	7
Hazardous materials transportation safety	5	1
Grade crossing delay and safety	4	0.5
Noise	11	2
Vibration	23	4
Climate and air quality	21	3
Water resources	67	11
Biological resources	47	8
Topography, geology, and soils	5	1
Land use	39	6
Socioeconomics	68	11
Energy	3	0.5
Hazardous materials/waste sites	1	0
Cultural resources	10	2
Environmental justice	3	0.5
Recreation	21	3
Aesthetics and visual resources	1	0
Public involvement	5	1

## A.4 CURP Comments

This section summarizes all comments received from both the public and agencies by appropriate resource.

### A.4.1 Purpose of and Need for Action (142 comments)

Several comments referenced the purpose of and need for the proposed action (constructing the Central Utah Rail Project). Most of these comments indicated support for or opposition to the proposed action, support for or opposition to the SCOAG Preferred Alternative, or support for reducing the amount of truck traffic on local roads. Also, some property owners believe that the benefits from the proposed action would not outweigh the reduction in quality of life for those who are affected by the proposed action. Below is a summary of the comments pertaining to the CURP purpose of and need for action.

- Comments supporting the rail project. **(43)** P-001-01, P-003-01, P-008-01, P-012-03, P-013-01, P-014-01, P-015-01, P-021-01, P-022-01, P-023-01, P-024-01, P-026-01, P-027-01, P-033-02, P-037-01, P-038-01, P-039-01, P-040-01, P-042-01, P-043-01, P-044-01, P-045-01, P-046-01, P-047-01, P-048-01, P-051-01, P-052-01, P-053-05, P-054-06, P-056-01, P-060-01, P-061-01, P-063-01, A-008-01, A-019-01, A-020-01, A-022-01, A-024-01, A-025-01, P-068-01, A-026-05, A-028-06, P-074-04
- Comments stating opposition to the rail project. **(2)** P-049-02, P-058-01
- Comments requesting that the project moves forward as quickly as possible. **(21)** P-001-04, P-002-01, P-008-02, P-011-02, P-015-02, P-020-06, P-021-05, P-022-05, P-026-02, P-039-05, P-040-06, P-045-02, P-048-02, P-059-06, P-060-02, P-063-05, A-008-04, A-020-02, A-022-06, A-024-05, A-025-07
- Comments stating that coal trucks create too much traffic on city streets. **(8)** P-002-04, P-003-04, P-016-02, P-020-01, P-053-03, P-055-04, A-011-01, A-022-02
- Comments concerning safety and the number of trucks on local roads. **(31)** P-008-06, P-009-02, P-011-03, P-012-01, P-014-03, P-015-03, P-017-03, P-018-01, P-021-03, P-022-02, P-023-03, P-024-03, P-025-01, P-037-02, P-039-03, P-040-04, P-044-03, P-045-04, P-046-03, P-047-02, P-048-03, P-053-02, P-055-03, P-059-01, P-060-04, P-061-03, P-062-04, P-063-03, P-065-04, A-019-02, A-024-04
- Comments stating that the former rail line was a benefit to the area. **(3)** P-003-02, P-007-03, A-026-02
- Comments supporting less wear and tear on area roads. **(15)** P-011-05, P-012-2, P-016-04, P-020-02, P-025-02, P-040-03, P-044-03, P-045-05, P-046-04, P-047-03, P-048-04, P-059-02, P-060-04, A-019-03, A-020-05
- Comment stating that Gunnison needs a rail spur. **(1)** P-030-01

- Comments stating that the community is being asked to give up their freedoms—health, homes, and peace—so a corporation can make money. **(3)** P-031-01, P-032-01, P-066-03
- Comments stating that the railroad would negatively impact area families. **(3)** P-031-02, P-032-02, P-035-06
- Comments stating that 1,500 coal trucks would still travel though Salina every day even with the rail line. **(3)** P-031-07, P-032-07, P-051-06
- Comment stating that the EIS must be prepared in compliance with NEPA and the Council on Environmental Quality (CEQ) and 40 CFR 1500 regulations. **(4)** A-034-03, A-034-07, A-034-08, A-034-29
- Comment stating that the Scope of Analysis should reference several resources more specifically. **(1)** A-035-01
- Comments stating that the EIS should consider cumulative impacts and include a comparative analysis. **(4)** A-036-01, A-036-03, A-036-04, A-036-05

#### **A.4.2 Proposed Action and Alternatives (99 comments)**

A number of comments included specific information about the SCOAG Preferred Alternative and possible modifications to the route to minimize impacts. Several comments indicate support for a new alignment on the west side of the corridor, which would cross BLM-administered public land. This alternative was shown as Alternative C at the public hearing. A map of this alternative is included in Appendix D, Copies of Comments.

- Comments supporting the SCAOG Preferred Alternative. **(27)** P-001-03, P-002-03, P-003-03, P-008-03, P-009-01, P-020-05, P-024-04, P-026-04, P-027-02, P-039-02, P-040-02, P-044-04, P-045-06, P-046-01, P-052-01, P-053-01, P-059-07, P-060-05, P-062-03, P-063-04, A-003-01, A-008-02, A-022-05, A-025-02, P-068-02, A-026-03, A-026-08
- Comments opposing the SCOAG Preferred Alternative. **(15)** P-025-04, P-028-02, P-035-02, P-031-03, P-032-03, P-042-02, P-043-04, P-051-02, P-056-01, P-064-01, P-066-01, P-067-01, P-069-01, P-072-02, A-028-05
- Comments supporting the alignment on the west side of the corridor through BLM-administered public land, one mile west of State Canal (Alternative C). **(15)** P-025-04, P-028-02, P-035-02, P-031-03, P-032-03, P-043-19, P-064-02, P-065-08, P-065-09, P-066-02, P-067-02, P-069-02, P-072-03, A-028-06, P-076-06
- Comments regarding locating the rail line above the Piute Canal from Haynes Canyon Road to Lone Cedar Road to minimize crossing existing pipelines from

irrigation ponds. **(8)** P-036-01, P-041-01, P-043-18, P-051-03, P-056-04, P-057-01, P-068-11, P-073-01

- Comment stating that relocating the Preferred Alternative closer to the Piute Canal will be most cost-effective. **(1)** P-051-05
- Comment stating that the alignment should be east of Redmond and on the other side of State Canal. **(1)** P-058-07
- Comments stating that Alternative C would be more cost-effective because it would require fewer crossings. **(4)** P-064-10, P-066-10, P-067-10, P-069-10
- Comment stating that locating the rail line on the east side of the valley would result in significant impacts. **(1)** P-053-06
- Comments stating that trains should be routed away from cities and homes. **(2)** P-004-01, P-016-03
- Comments requesting more information on the proposed rail alternative locations. **(5)** P-012-04, P-013-02, P-014-06, P-049-01, P-050-01
- Comment stating that the SCOAG Preferred Alternative is too close to homes north of Redmond. **(1)** P-028-01
- Comments concerning impacts on divided properties. **(8)** P-035-08, P-043-08, P-043-09, P-052-03, A-013-14, A-015-01, A-015-06, A-017-01
- Comments stating that the coal-loading complex should be on the north side of the road. **(2)** P-041-02, P-073-02
- Comment stating that the coal-loading complex should be outside of town. **(1)** P-068-14
- Comment requesting an interchange at I-15 and Lost Creek with a highway built to US 6. **(1)** P-051-03
- Comment stating that the Alternative B shown at the scoping meeting is unacceptable. **(1)** P-052-02
- Comment requesting that the alignment be located along existing county roads or field boundaries. **(1)** P-055-05
- Comment regarding the location of alternative routes being developed. **(1)** A-013-05
- Comment stating that you may not see the train crossing as you travel over a hill (location unclear). **(1)** P-068-03
- Comment stating that the railroad could restrict public access. **(1)** A-027-05

- Comment requesting that impacts to river channels, stream banks, and riparian vegetation should be avoided or minimized. (1) A-027-10
- Comment stating that the businesses needing the rail line should pay for any added cost of relocating the rail line to the west side of the valley. (1) P-065-10

#### A.4.3 Environmental Consequences (380 comments)

A majority of the comments received mentioned concerns about the environmental consequences of the proposed action on specific resources. A total of 288 individual issues were identified.

Figure A-2, Environmental Consequences Comments by Resource, shows the number of comments received under the Environmental Consequences category for each resource area.

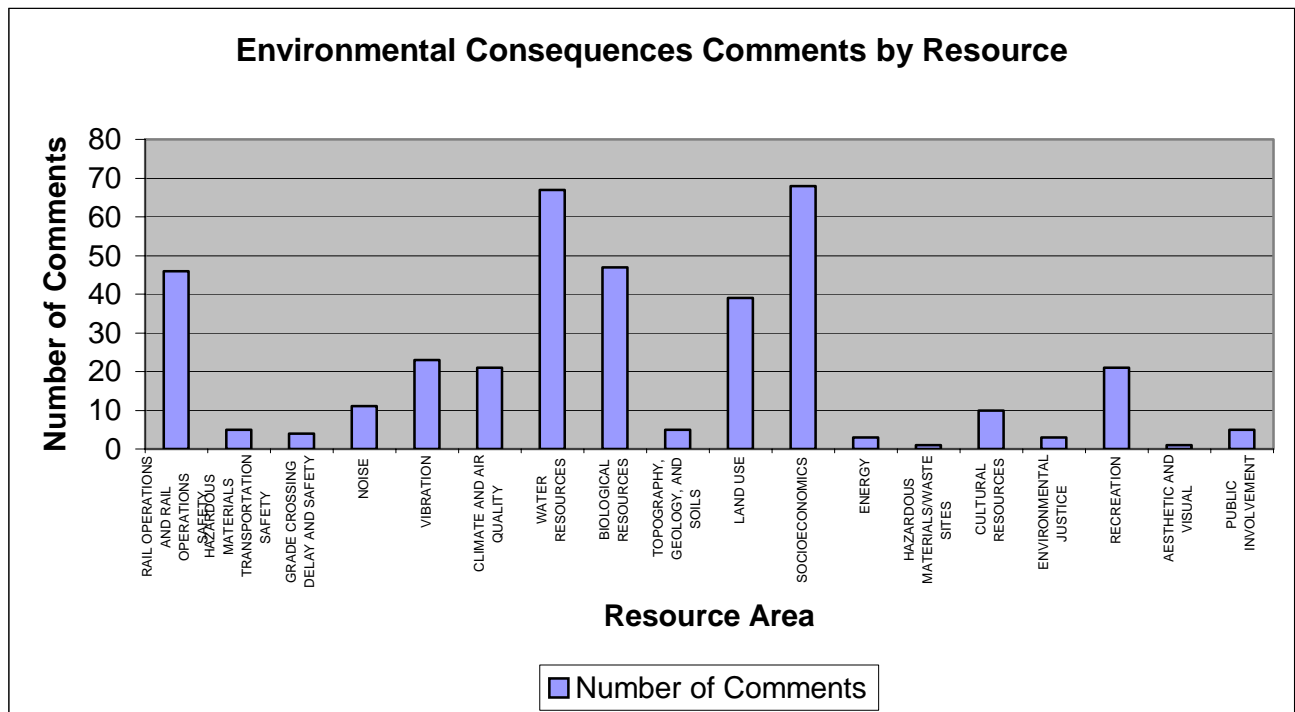


Figure A-2. Environmental Consequences Comments by Resource

#### **A.4.4 Rail Operations and Rail Operations Safety (46 comments)**

- Comments questioning who will pay for the project. **(3)** P-005-01, A-13-06, A-034-14
- Comments questioning whether the coal will last long enough to sustain the railroad. **(6)** P-005-02, P-006-01, A-013-07, A-020-03, A-034-14, A-034-15
- Comments concerning safety of trains near bus stops and crossings. **(12)** P-007-01, P-031-04, P-032-04, P-043-16, A-011-02, A-022-03, P-064-12, P-066-12, P-067-12, P-069-12, P-068-04, P-076-05
- Comments stating concern for the safety of children near the rail tracks. **(4)** P-031-05, P-032-05, P-035-05, P-058-02
- Comments asking that the rail line be fenced from animals. **(2)** P-036-02, P-056-05
- Comment requesting more information regarding the frequency and time of day when trains will operate. **(1)** A-004-02
- Comment concerned with the proximity of homes to the proposed tracks. **(1)** P-068-05
- Comment questioning the impacts on existing utility rights-of-way. **(1)** A-013-01
- Comments questioning the acquisition of the appropriate licensing and permitting for the rail line. **(2)** A-013-09, A-034-17
- Comments questioning the maintenance needs for the rail line. **(2)** A-013-11, A-034-19
- Comments questioning the contract assurances for transportation of goods on the rail line. **(2)** A-013-12, A-034-20
- Comments questioning the materials needed for rail construction. **(2)** A-013-13, A-034-21
- Comment stating that two autistic children live in a house that will be close to the railroad. **(1)** P-065-02
- Comments stating that more information is required about the impact from dust and vibrations due to rail operations. **(2)** P-076-02, P-075-03
- Comments stating concern about the rail line breaching the entrance road to Painted Rocks and interfering with park visitors and emergency response. **(4)** A-004-04, A-018-02, A-027-15, A-035-12
- Comment stating that the Transportation Systems section of the Scope of Analysis should identify potential impacts on cross-country travel. **(1)** A-037-07

**A.4.5 Hazardous Materials Transportation Safety (5 comments)**

- Comments stating concern about potential water contamination from cargo spills. (4) A-017-03, A-017-04, A-028-04, P-074-03
- Comment concerned that dust from trains will contaminate soils and water for farms along the route. (1) P-068-10

**A.4.6 Grade Crossing Delay and Safety (4 comments)**

- Comments requesting grade-separated rail crossings. (4) P-052-04, A-004-04, A-018-02, A-027-15

**A.4.7 Noise (11 comments)**

- Comments concerned with noise from trains. (8) P-004-02, P-019-01, P-031-09, P-032-09, P-043-015, P-057-04, P-070-01, A-027-17
- Comment stating that the Noise section of the Final Scope of Analysis should reference the Yuba State Park Painted Rocks Campground as one of the “sensitive receptors” to be addressed in the EIS. (1) A-035-11
- Comment stating that the Environmental Protection Agency (EPA) recommends that residences within the 55 dBA  $L_{dn}$  contour should be described. (1) A-036-10
- Comment stating that noise impacts to wildlife and recreation areas should be considered. (1) A-037-05

**A.4.8 Vibration (23 comments)**

- Comments concerning vibration from trains. (9) P-019-02, P-028-03, P-031-08, P-032-08, P-035-04, P-042-03, P-043-07, P-058-04, P-065-06
- Comments concerning water quality and well damage due to vibration. (13) P-031-08, P-032-08, P-035-04, P-042-03, P-043-03, P-043-07, P-058-05, P-064-07, P-066-07, P-067-07, P-069-07, P-068-06, A-036-17
- Comment stating that the EPA recommends reviewing changes in ground vibrations for residences. (1) A-036-11

**A.4.9 Climate and Air Quality (21 comments)**

- Comments concerning the air pollution caused by coal trucks verses rail transport. (12) P-008-05, P-009-03, P-011-04, P-014-04, P-020-03, P-022-04, P-023-04, P-046-04, P-059-03, A-011-02, A-036-08, A-036-09

- Comments stating that the dust from the new dumping location for the rail will pollute Salina. **(6)** P-031-06, P-032-06, P-035-03, P-041-03, P-051-04, P-073-03
- Comment stating that there are currently high incidents of respiratory problems and cancer in the area due to coal dust. **(1)** P-068-13
- Comment stating that the EIS should examine the cumulative impacts to air quality. **(2)** A-036-06, A-036-07

#### **A.4.10 Water Resources (67 comments)**

- Comments concerned with disruption of irrigation service and access impacts due to dividing properties. **(10)** P-035-07, P-043-05, P-043-10, P-054-03, P-054-04, P-055-02, P-056-02, P-057-02, A-012-03, P-076-01
- Comments stating that the rail line could block underground field drains. **(4)** P-064-03, P-066-03, P-067-03, P-069-03
- Comments stating concern for wetland areas. **(11)** A-005-01, A-010-05, A-012-03, A-015-02, A-017-02, P-064-04, P-066-04, P-067-04, P-069-04, A-027-13, A-036-12
- Comments concerning wet soils east of Chicken Creek Reservoir. **(2)** A-012-01, A-017-02
- Comments stating that the expense of relocating irrigation ditches and existing culverts needs to be considered. **(4)** P-064-11, P-066-011, P-067-011, P-069-011
- Comment concerning water quality impacts to the Class 3 warm-water fishery at Yuba Reservoir. **(1)** A-010-06
- Comments stating that the rail line could cross drinking water source protection zones (protection areas set around source water locations to protect culinary water supplies) for Redmond. **(8)** A-014-01, P-064-07, P-066-07, P-067-07, P-069-07, A-028-01, A-028-02, A-028-03
- Comments stating that culinary water wells for homes and livestock could be impacted. **(5)** P-064-09, P-066-09, P-067-09, P-069-09, A-036-18
- Comment stating that new wells may have to be drilled because trains run over the existing wells. **(1)** P-068-07
- Comment stating that the alternative route runs through sprinkler system ponds, water diversion systems, and homes in its path. **(1)** P-068-08
- Comment stating that the project should not impair vested water rights. **(1)** P-074-01
- Comment stating that the project should not unreasonably diminish the ability of channels in the area to conduct high flows. **(1)** P-074-02



- Comment stating that the rail line could impact new irrigation ponds, cement canals, valves, and pipes. (1) P-075-02
- Comment regarding water for irrigation that is received from the Yuba Reservoir. (1) P-075-04
- Comments stating that the rail line will need Section 404 authorization. (2) A-030-01, A-036-13
- Comments regarding the U.S. Army Corps of Engineers' (USACE) participation as a cooperating agency. (2) A-030-02, A-033-01
- Comment stating that the USACE agrees with the approach to the NEPA and Clean Water Act process for the Central Utah Rail Project. (1) A-031-01
- Comments stating that the USACE recommends that the delineation should encompass the entire project area of the preferred alignment. (2) A-031-02, A-036-14
- Comment stating that there appears to be an alternative alignment that would result in less impact to the aquatic environment. (2) A-031-03, A-031-04
- Comment requesting that the EIS address impacts to water quality resulting from erosion from construction activities. (1) A-032-01
- Comment requesting that the EIS address impacts to water quality resulting from sheet flow runoff from rail line intercepting slopes. (1) A-032-02
- Comments requesting that the EIS address impacts to water quality resulting from possible deposition of pollutants from construction activities and operation of the railroad. (3) A-032-03, A-036-15, A-036-16
- Comment requesting that wetlands associated with the Sevier River, Yuba Lake, and Redmond Wildlife Management Area be specifically referenced in the Water Resources section in the Final Scope of Analysis. (1) A-035-09
- Comment stating that water resources should include potential impacts to water uses, availability, and water rights. (1) A-037-04

#### **A.4.11 Biological Resources (47 comments)**

- Comments stating that the rail line will result in fewer animals killed on the highway. (4) P-014-05, P-015-04, P-061-04, A-035-15
- Comments stating concern for wildlife due to the rail line. (6) P-062-01, P-064-05, P-066-05, P-067-05, P-069-05, P-075-05
- Comments listing sensitive, threatened, or endangered animal species documented in the project area. (7) A-003-02, A-003-03, A-010-01, A-003-08, A-027-07, A-027-08, A-027-09

- Comments regarding the large game in the area and their winter habitat. **(4)** A-003-04, A-010-04, A-027-11, A-027-12
- Comments regarding conservation species. **(2)** A-003-05, A-010-02
- Comments regarding chub species found in the area. **(2)** A-003-06, A-010-03
- Comment regarding best management practices during construction to protect fish and wildlife. **(1)** A-003-07
- Comment noting that the peregrine falcon is no longer on the federal endangered and threatened species list. **(1)** A-003-09
- Comment requesting wildlife surveys in the corridor. **(1)** A-007-01
- Comment requesting biological surveys in the corridor. **(1)** A-007-02
- Comments requesting remediation or mitigation for disturbed land in the corridor. **(3)** A-007-04, A-013-15, A-034-23
- Comments regarding noxious weed control. **(2)** A-013-16, A-034-24
- Comment stating that the trains may disturb habitat for local and migrating fowl. **(1)** P-070-03
- Comment stating that the construction phase would negatively impact ecosystems. **(1)** P-070-04
- Comments stating that the proposed alternative crosses the western point of the Utah Division of Wildlife Resources' Redmond Wildlife Management Area, which is protected under the Redmond Wetlands Conservation Easement. **(6)** A-027-04, A-027-06, A-035-02, A-035-03, A-035-04, A-035-05
- Comment stating that the alignment might disrupt water flows from the west that influence the wetland habitats in the Redmond Wildlife Management Area.. **(1)** A-035-06
- Comment stating that Yuba Lake State Park should be referenced in the Biological Resources section of the Scope of Analysis. **(2)** A-035-07, A-035-08
- Comment requesting modified language regarding biological issues in the Scope of Analysis. **(1)** A-037-03
- Comment requesting that the spread of invasive and non-native plants be addressed. **(1)** A-037-03

**A.4.12 Topography, Geology, and Soils (5 comments)**

- Comment requesting a geological study of the area near the Preferred Alternative. (1) P-043-06
- Comment stating that the coal dust blowing from the trains could result in soil sterilization. (1) P-043-17
- Comment requesting that soil surveys be conducted in the corridor. (1) A-007-03
- Comment stating that the geologic hazards along the rail route include landslides, rock falls, and problem soils. (1) A-027-02
- Comment stating that paleontological and mineral resources should be included as resources that will be addressed in the EIS. (1) A-035-10

**A.4.13 Land Use (39 comments)**

- Comments concerned with impacts to farmland and potential impacts to property values. (15) P-004-03, P-021-04, P-035-01, P-041-04, P-043-02, P-055-01, P-057-05, P-062-02, P-064-06, P-066-06, P-067-06, P-069-06, A-026-04, P-073-04, P-076-04
- Comment stating that the rail line cuts through a proposed subdivision. The commentor would like the alternative moved at least three-quarters of an acre from the property (subdivision information was included with the comment). (1) P-042-02
- Comment requesting that the applicant build a railroad crossing on impacted land to provide access (maps were provided with the comment). (1) P-043-13
- Comment asking if a private-use rail crossing can be provided as mitigation. (1) P-043-14
- Comments requesting that steel pipe be installed for all irrigation pipes crossed by the rail line. (2) P-054-05, P-056-06
- Comment questioning impacts to existing land uses. (1) A-013-02
- Comments regarding Sevier County and Sanpete County's participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP). (2) A-009-01, A-009-02
- Comment questioning the rail line's impact on public lands and grazing allotments. (1) A-013-04
- Comments concerning right-of-way policies, condemnation, and mitigation for impacted properties. (2) A-015-03, A-015-05
- Comment discussing the BLM right-of-way procedures. (2) A-034-01, A-034-02

- Comments regarding BLM as a cooperating agency. **(3)** A-034-04, A-034-05, A-037-01
- Comment requesting site-specific analysis of resources on public lands within all alignment alternatives. **(2)** A-034-06, A-034-09
- Comment regarding construction-related impacts to current land uses. **(1)** A-034-10
- Comment questioning the impact that the rail line would have on isolating and dividing public lands. **(2)** A-034-012, A-034-013
- Comment regarding requirements from individual properties crossed by the rail line. **(1)** A-034-22
- Comment questioning potential impacts to public lands. **(1)** A-034-26
- Comment stating that the EIS will include a discussion of conformance and consistency with federal, state, local, and tribal plans. **(1)** A-037-02

#### **A.4.14 Socioeconomics (68 comments)**

- Comments stating that the rail line will boost the area's economy. **(44)** P-001-02, P-002-02, P-007-02, P-008-04, P-009-04, P-010-01, P-011-01, P-013-03, P-014-02, P-015-05, P-016-01, P-017-02, P-018-02, P-019-03, P-020-04, P-021-02, P-021-04, P-022-03, P-023-02, P-024-02, P-025-03, P-025-03, P-033-01, P-039-04, P-040-05, P-042-04, P-044-02, P-045-03, P-046-02, P-047-04, P-048-05, P-053-04, P-059-04, P-060-03, P-061-02, P-063-02, A-008-03, A-019-03, A-022-04, A-024-02, A-024-03, A-025-05, A-026-01, A-027-01
- Comments stating that the rail line will bother livestock and reduce their value. **(2)** P-054-02, P-057-04
- Comments stating that the SCOAG Preferred Alternative will result in higher costs for farm improvements. **(2)** P-043-12, P-043-17
- Comments stating that the number of trucking jobs may be reduced. **(2)** P-017-01, P-065-05
- Comment stating that the value of farmland is lower on the east side of the valley than on the west side of the valley. **(1)** P-056-03
- Comments stating that the rail line will result in decreased property values. **(8)** P-057-03, P-058-06, P-064-08, P-065-07, P-066-08, P-067-08, P-069-08, P-070-05
- Comments regarding the long-term financing and economic feasibility of the rail line. **(2)** A-013-06, A-013-10
- Comments questioning the socioeconomic effects of the rail line. **(2)** A-013-08, A-034-16

- Comment stating that there has been a plan to build and preserve habitat for game fowl and the rains would not permit this. (1) P-070-06
- Comment stating concerns that the rail line will be next to the owner's home. (1) P-065-01
- Comment stating that the property owners would support the rail project if the railroad will buy them equal land of their choice and an exact replica of their existing home. (1) P-065-11
- Comment stating that the rail line may impact new underground electric and telephone lines. (1) P-075-01
- Comment questioning the ancillary uses of the rail line on public lands. (1) A-034-18

#### **A.4.15 Energy (3 comments)**

- Comment stating that the cost of diesel fuel for trucks is a significant cost to area businesses. (1) P-059-05
- Comment suggesting that the U.S. Geological Survey (USGS) be used as a resource for mineral and energy information. (1) P-027-03
- Comment requesting that the title of the Energy section of the Scope of Analysis should be changed to Energy and Minerals. (1) A-037-06

#### **A.4.16 Hazardous Materials/Waste Sites (1 comment)**

Comment stating that the rail line may impact oil reserves on property. (1) P-075-03

#### **A.4.17 Cultural Resources (10 comments)**

- Comments supporting identifying and avoiding prehistoric archaeological sites. (3) A-001-01, A-023-01, A-027-03
- Comments requesting a copy of the archeological survey. (3) A-001-02, A-002-01, A-023-01
- Comment stating that this area of Utah has a high concentration of archeological sites. (1) A-016-01
- Comment questioning the impacts on existing cultural resources. (1) A-013-03
- Comment stating that there should be no cultural issues with a phased approach. (1) A-029-01
- Comment regarding construction-related impacts to cultural resources. (1) A-034-11

#### **A.4.18 Environmental Justice (3 comments)**

- Comments stating that the rail line would be 100 feet from the commentor's home, where autistic children live. (2) P-058-03, P-065-02
- Comment stating that the EIS should review environmental justice issues. (1) A-036-19

#### **A.4.19 Recreation (21 comments)**

- Comments concerned with noise near the Painted Rocks campground. (2) A-004-01, A-018-01
- Comments questioning the rail line crossing the reservoir at Painted Rocks and navigational impacts. (4) A-004-03, A-018-04, A-027-19, A-027-20
- Comments stating concern about the rail line breaching the entrance road to Painted Rocks and interfering with park visitors and emergency response. (3) A-004-04, A-018-02, A-027-15
- Comments stating concerns about the rail line's proximity to the Painted Rocks campground and the aesthetic impacts. (2) A-005-02, A-018-03
- Comment requesting to review the final alignment plans. (1) A-004-05
- Comments questioning recreational impacts to Yuba Reservoir. (3) A-13-17, A-027-14, A-034-25
- Comments requesting consideration be given to visual impacts near Yuba Reservoir. (2) A-13-18, A-027-18
- Comment stating that the forest area within the study area is administered by the Manti-La Sal National Forest. (1) A-021-01
- Comment stating that there are two hunting clubs in the area that may be impacted. (1) P-070-02
- Comment stating that recreational impacts to the Redmond Wildlife Management Area should be addressed. (1) A-035-14
- Comment requesting discussion regarding the impacts on off-highway vehicle (OHV)-based recreation. (1) A-037-08

#### **A.4.20 Aesthetics and Visual (1 comment)**

- Comment requesting that visual impacts be studied closely. (1) A-034-27

#### **A.4.21 Public Involvement (5 comments)**

- Comments requesting that the Board continue to work with area farmers. **(2)**  
A-026-06, A-026-07
- Comments requesting more information on the project. **(2)** P-071-01, P-072-01
- Comment stating that the EPA would like to review the Draft EIS and Final EIS. **(1)**  
A-036-02

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## Appendix A

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56377

significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. The purpose of this Notice of Intent is to notify individuals and agencies interested in or affected by the proposed project of the decision to require an EIS. SEA will hold public scoping meetings as part of the EIS process.

**SUPPLEMENTARY INFORMATION:**

**Background:** The proposed project, known as the Central Utah Rail Project, includes construction and operation of approximately 45 miles of new rail line connecting the existing Union Pacific Railroad (UPRR) line near Levan, Utah to a proposed coal transfer terminal facility near Salina, Utah. Implementation of the proposed project would restore rail service to the Sevier Valley, providing a more direct connection to rail service for the coal industry (primarily the Southern Utah Fuels Company), provide rail service to other shippers in the Sevier Valley, and reduce the number of trucks on highways in the Sevier Valley. The EIS will analyze the potential impacts of the proposed route, the "no-build" alternative, and an alternative alignment.

**Environmental Review Process:** The National Environmental Policy Act (NEPA) process is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on the proposed action is made. SEA is responsible for ensuring that the Board complies with NEPA and related environmental statutes. The first stage of the EIS process is scoping. Scoping is an open process for determining the scope of environmental issues to be addressed in the EIS. SEA will soon develop and make available a draft scope of study for the EIS and provide a period for the submission of written comments on it. Concurrently, scoping meetings will be held to provide further opportunities for public involvement and input into the scoping process. The dates, time and locations for the scoping meetings are as follows: Wednesday, October 22, 2003, 6 p.m. to 8 p.m., North Sevier High School, 350 West 400 North, Salina, Utah, School Office (435) 529-3717.

Thursday, October 23, 2003, 6 p.m. to 8 p.m., Gunnison City Hall, 38 West Center Street, Gunnison, Utah, Office (435) 528-7969.

Following the issuance of a draft scope and the comment period, SEA will issue a final scope of study for the EIS.

After issuing the final scope of study, SEA will prepare a Draft EIS (DEIS) for the project. The DEIS will address those environmental issues and concerns identified during the scoping process. It will also contain SEA's preliminary recommendations for environmental mitigation measures. The DEIS will be made available upon its completion for public and agency review and comment. SEA will prepare a Final EIS (FEIS) that considers comments on the DEIS from the public and agencies. In reaching its decision in this case, the Board will take into account the DEIS, the FEIS, and all environmental comments that are received.

**FOR FURTHER INFORMATION CONTACT:**

Phillis Johnson-Ball, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street NW., Washington, DC 20423-0001, at 1-202-565-1530. (TDD for the hearing impaired 1-800-877-8339). The website for the Surface Transportation Board is <http://www.stb.dot.gov>.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

**Vernon A. Williams,**

Secretary.

[FR Doc. 03-24740 Filed 9-29-03; 8:45 am]

BILLING CODE 4916-00-P

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board**

[STB Docket No. AB-854X]

**Allegheny & Eastern Railroad, Inc.—  
Abandonment Exemption—in Elk and  
Cameron Counties, PA**

Allegheny & Eastern Railroad, Inc. (A&E), has filed a notice of exemption under 49 CFR 1152 Subpart F *Exempt Abandonments* to abandon an 18.9-mile line of railroad between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. The line traverses United States Postal Service Zip Codes 15834 and 15857.<sup>1</sup>

A&E has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user

of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment-Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 31, 2003, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>2</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>3</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 14, 2003. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by October 21, 2003, with: Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to A&E's representative: Eric M. Hocky, Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 JFK Blvd., Philadelphia, PA 19103.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

A&E has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by October 6, 2003. Interested persons may obtain a copy of

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each OFA must be accompanied by the filing fee, which currently is set at \$1,100. See 49 CFR 1002.2(f)(25).

<sup>3</sup> Pursuant to 49 CFR 1150.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. While the applicant initially indicated a proposed consummation date of October 30, 2003, because the verified notice was filed on September 11, 2003, consummation may not take place prior to October 31, 2003. By letter filed on September 22, 2003, applicant's representative confirmed that the consummation date will be after October 31, 2003.

none of these tests did the tether hook malfunction or improperly perform in any manner. Evenflo is confident that the non-compliance has no adverse impact of the dynamic performance of the child restraints.

Based on the above, Evenflo argued that the noncompliance is inconsequential to motor vehicle safety. Accordingly, Evenflo requested that it be exempted from the notice and remedy procedures of the Vehicle Safety Act.

You may submit comments on the application described above. Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments. Please submit two copies of your comments, including the attachments, to Docket Management, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted to the docket electronically by logging onto the Dockets Management System Web site at <http://dms.dot.gov>. Click on "Help & Information" or "Help/Info" to obtain instructions for filing the document electronically.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* October 30, 2003.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: September 25, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-24742 Filed 9-29-03; 8:45 am]

BILLING CODE 4910-69-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA 2003-16066; Notice 1]

#### Subaru of America, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Subaru of America, Inc. (Subaru) has determined that approximately 2,531 model year 2004 Subaru Impreza STi vehicles do meet the labeling requirements mandated by Federal

Motor Vehicle Safety Standard (FMVSS) No. 108, S7.7(e) on "headlamp ballast."

Pursuant to 49 U.S.C. 30118(d) and 30120(h), Subaru has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." A copy of the petition may be found in this docket.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The affected vehicles were produced during the period of February 4, 2003 through July 9, 2003 at Ichikoh Industries, Ltd (Ichikoh), the HID headlamp assembly supplier. The affected headlamps are equipped with a ballast that is currently registered in docket No. NHTSA-98-3397. However, ballast units without all of the label information required in FMVSS No. 108, S7.7 (e) were used by Ichikoh to assemble a complete headlamp assembly.

Subaru believes that this noncompliance on ballast marking is inconsequential for motor vehicle safety for the following reasons: (1) The ballast (part no.: NZMIC111LAC1000) and ignition module (part no.: NZMIC211LAC1000) used in these headlamp assemblies are the same ones as registered by Matsushita Electric Works, Ltd. according to part 564 except they are missing the information label. For this reason, Subaru believes that this noncompliance will not affect the luminous intensity distribution, mechanical performance or any other headlamp performance characteristic required by FMVSS No. 108. (2) The ballast is designed to have high durability during the vehicle's lifetime and Subaru believes that the ballast, as well as the headlamp assembly, will not need to be replaced from a lack of durability. (3) A properly affixed ballast information label, which is on the bottom surface of the ballast, is not visible unless the headlamp assembly is removed from the vehicle.

Interested persons are invited to submit written views, arguments, and data on the application described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods: Mail: Docket Management Facility; U.S. Department of Transportation, Nassif Building, Room PL-401, 400 Seventh Street, SW., Washington, DC, 20590-001. Hand Delivery: Room PL-401 on the plaza

level of the Nassif Building, 400 Seventh Street, SW., Washington, DC. Fax: 1-202-493-2251, or submit to Federal eRulemaking Portal: Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 am to 5 pm except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at <http://dms.dot.gov>. Click on "Help" to obtain instructions for filing the document electronically.

The application and supporting materials and all comments received before the close of business on the closing date indicated below will be considered. All comments received after the closing date will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* October 30, 2003.

**Authority:** (49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: September 25, 2003.

**Stephen R. Kratzke,**

*Associate Administrator for Rulemaking.*

[FR Doc. 03-24743 Filed 9-29-03; 8:45 am]

BILLING CODE 4910-69-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[Finance Docket 34075]

#### Six County Association of Governments—Construction and Operation—Rail Line Between Levan and Salina, UT

**AGENCY:** Surface Transportation Board, DOT.

**ACTION:** Notice of intent to prepare an Environmental Impact Statement.

**SUMMARY:** On July 30, 2001 the Six County Association of Governments (SCAOG) filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority for construction of a new rail line between Levan and Salina, Utah. The project would involve approximately 45 miles of new rail line and ancillary facilities. Because the construction and operation of this project has the potential to result in

## Appendix B

SCAOG – Rail Line between Levan and Salina, Utah  
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***SURFACE TRANSPORTATION BOARD***  
*Washington, DC 20423*

*Section of Environmental Analysis*



April 1, 2003

State Director  
Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

**Re: Finance Docket No. 34075, Six County Association of Governments – Construction and Operation – Rail Line between Levan and Salina, Utah**

Ms. Wisely:

I am writing to let you know that the Surface Transportation Board's Section of Environmental Analysis (SEA) is initiating an environmental review under the National Environmental Policy Act (NEPA) of the project described below. I am also writing to ask your assistance in providing any information on potential environmental impacts, resources, or issues over which your agency has special expertise or jurisdiction concerning this proposal. SEA has not yet determined what level of environmental analysis is appropriate for this proposal. Before making that decision, we would like to have feedback from you and other Federal, state, and local agencies concerning any potential environmental impacts, both beneficial and adverse, that this proposal may generate. Please review the information below. I have also provided contact information below if you have questions or comments.

### **Description of the Project**

On July 30, 2001, the Six County Association of Governments (SCAOG) comprising the Utah counties of Sevier, Juab, Sanpete, Millard, Piute, and Wayne applied to the Surface Transportation Board (Board) for authority to construct and operate a 43-mile line of new single-track rail line in Sanpete, Sevier, and Juab Counties, Utah.

The proposed rail line would begin at the connection with Union Pacific Railroad's (UP) mainline near Levan, Utah (see attached Figure 1). The connection at UP would be a wye between the Juab and Sharp Sidings. The alignment would go southward and east of Chicken Creek Reservoir, a man-made irrigation reservoir. The alignment would generally follow a path near an existing power transmission line that goes

SCAOG – Rail Line between Levan and Salina, Utah  
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through the center of the Juab Plain, which consists of the valley between the South Hills to the west and the Skinner Peaks area to the east.

The proposed alignment then begins to run parallel with the eastern boundary of Yuba Reservoir (Sevier Bridge Reservoir), another man-made irrigation facility. The line continues east of the reservoir until it reaches the point at which reservoir narrows (Yuba Hills). At this point, the line continues south, west of Yuba Reservoir.

The alignment continues southward along the western side of the Sevier Valley near areas where the foothills intersect with irrigated farmlands. The alignment continues southward on the valley's western side, passing on the west side of the town of Redmond. South of Redmond, the alignment bears east toward the center of the valley.

The proposed alignment crosses State Highway 50 west of Salina and continues south, crossing State Highway 118 (Old Highway 89) and the Sevier River. The alignment continues west of the hills south of the Salina industrial park and terminates in the Lost Creek area before Interstate 70.

According to SCAOG, the purpose of this project is to serve a number of industries, primarily the coal industry. Coal mines owned by the Southern Utah Fuel Company (SUFCO) are located 30 miles east of Salina. Due to an absence of rail access, these industries (including SUFCO) currently move all goods by truck. SCAOG believes that the proposed project would reduce the number of coal trucks using portions of five highways: I-70, SR 50, I-15, SR 28, and SR 10. Most segments of these roads currently carry 750 trucks per day, with 1,500 trucks passing through downtown Salina each day at a rate of about one truck per minute. SCAOG states that reducing the number of trucks on these roads would decrease roadway congestion; increase the quality of life through towns such as Salina, Centerfield, Gunnison, and Fayette; and reduce wear and tear on state roads and interstates.

SEA will evaluate the potential impacts of:

- The proposed rail line
- The no-build alternative
- Other reasonable and feasible alternatives that may be identified

The proposed right-of-way would have a width of approximately 100 feet. SCAOG anticipates operating an average of one to two trains per day. Most shipments would consist of coal from the SUFCO coal mines. In addition to coal shipments, SCAOG anticipates shipping smaller quantities of petroleum products, lumber products, nonmetallic minerals, wallboard, and plaster.

#### **Preliminary Consultation Process**

To assist us in conducting the environmental review required by NEPA, we are consulting with, and soliciting comments from, agencies and organizations that may have specific knowledge of potential environmental issues and impacts that may be associated with the proposed project.

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Your comments would be most helpful to us if they focused on specific environmental issues or concerns pertaining to your jurisdiction. Issues and resource areas that may be important to this project include, but are not limited to, the following:

1. Local, regional, and national transportation systems, including safety of freight operations, potential traffic delay, and highway/rail crossings
2. Local land use plans, including parks and refuges
3. Land ownership, including farmland segmentation
4. Air emissions and air quality impacts
5. Noise impacts, including impacts to wildlife resources
6. Historic, cultural, and archaeological resources
7. Native American populations, land, and cultures
8. Impacts to prime, unique, and important farmland
9. Biological resources, including threatened or endangered species and wildlife migration routes
10. Water resources, including water quality and wetlands
11. Impacts to “environmental justice communities” (low-income or minority populations)

#### **Submitting Your Comments**

Information on any additional issues or concerns that you consider appropriate would also be appreciated. We are seeking your assistance as expeditiously as possible. Therefore, we are requesting your comments by May 2, 2003. Please send your comments to:

Rick Black  
HDR Engineering, Inc.  
3995 South 700 East, Suite 100  
Salt Lake City, UT 84107-2594  
Attention: Finance Docket No. 34075 – Environmental Comments

SEA has retained HDR Engineering, Inc. (HDR) to assist SEA in preparing the environmental document for this proposal. We have assigned an environmental team member from HDR to provide any assistance you may need. The team member will contact you shortly to ensure your receipt of this letter and answer any questions you may have.

If you have any questions about the Board’s environmental review process, please contact Phillis Johnson-Ball, SEA’s Environmental Project Manager, at (202) 565-1530 (e-mail address: johnson-ballp@stb.dot.gov). If you have questions concerning agency coordination and responses, or need specific information about the proposed project, please contact Rick Black at (801) 281-8892.

We appreciate your assistance and look forward to working with you during the environmental review process for the proposed project.

Sincerely,

May 7, 2003

State Director  
Bureau of Land Management  
Utah State Office  
P.O. Box 45155  
Salt Lake City, UT 84145-0155

**Re: Central Utah Rail - Agency Scoping Meeting**

Ms. Wisely:

The purpose of this letter is to invite you to attend the upcoming agency scoping meeting for the Central Utah Rail project. If you are unable to attend this meeting, please appoint someone to represent your agency for this project. Please e-mail Rick Black (Rick.Black@hdrinc.com) and let us know whether you will be able to attend or whether you will be sending a representative in your place. Once you confirm your attendance, a meeting agenda will be sent via e-mail.

The meeting information is as follows:

Date: Wednesday, May 21, 2003  
Location: Nephi City Council Chambers, 21 East 100 North, Nephi, Utah  
Time: 10:00 AM – noon

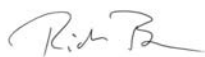
If you have any questions regarding the timing or location of the meeting, please contact Glen Greenalch at (435) 623-3400.

Any other questions or correspondences can be directed to:

Rick Black  
HDR Engineering, Inc.  
3995 South 700 East, Suite 100  
Salt Lake City, UT 84107  
(801) 281-8892  
Rick.Black@hdrinc.com

Thank you for your interest and participation in this project.

Sincerely,



*Copies of the April 1<sup>st</sup> and May 7<sup>th</sup> letters were sent to the following agencies:*

## Central Utah Rail Project Agency Mailing List

### Federal Agencies

State Director  
Bureau of Land Management  
Utah State Office  
PO Box 45155  
Salt Lake City, Utah 84145-0155  
Phone: (801) 539-4001

Mr. Aden Seidlitz, Manager  
Bureau of Land Management  
Rickfield District  
150 East 900 North  
Richfield, Utah 8470  
(435) 896-1500

Nancy Kang, Chief  
Utah Regulatory Office  
U.S. Army Corps of Engineers  
533 West 2600 South  
Suite 150  
Bountiful, UT 84010-7744  
(801) 295-8380 ext. 14

Laura Romin  
US Fish and Wildlife Service  
2369 West Ortin Circle, Suite 50  
West Valley City, UT 84119-7679

Mr. Bill Broderson, State Soil Scientist  
Natural Resources Conservation Service  
PO Box 11350  
125 South State Street  
Salt Lake City, UT 84147

Mr. Vic Parslow  
Natural Resources Conservation Service  
340 North 600 East  
Richfield, UT 84701  
(435) 896-6441 ext 34

Mr. David Maurstad, Regional Director  
Federal Emergency Management Agency  
Region VIII  
Building 710, Box 25267  
Denver, CO 80225-0267  
(303) 235-4800

Bruce Barrett, Area Manager  
U.S. Department of Interior  
Bureau of Reclamation  
302 East 1860 South  
Provo, UT 84606-7317  
(801) 379-1100

Uinta National Forest  
Forest Supervisor's Office  
88 West 100 North  
PO Box 1428  
Provo, Utah 84601  
801-342-5100

Fishlake National Forest  
Forest Supervisor's Office  
115 East 900 North  
Richfield, UT 84701  
(435) 896-9233

Joel Berwick  
U.S. Department of Energy  
2597 B3/4 Road  
Grand Junction, CO 81503

U.S. Geological Survey  
Utah District  
2329 Orton Circle  
West Valley City, Utah  
84119-2047  
Phone: (801) 908-5000

**Bureau of Indian Affairs**

Mr. Wayne Norwall, Regional Director  
Bureau of Indian Affairs  
P.O. Box 10  
Phoenix, AZ 85001  
(602) 379-4413

**Native American Tribes**

Mr. Chet Mills, Superintendent  
Uintah & Ouray Agency  
Bureau of Indian Affairs  
P.O. Box 130  
Fort Duchesne, UT 84026  
(435) 722-4300

Betsy Chapoose  
Ute Indian Tribe  
Cultural Rights and Protection Dept.  
P.O. Box 190  
Ft. Duchesne, UT 84026

Cindy Charles  
Koosharem Band, Southern Paiute Tribe  
440 North Paiute Drive  
Cedar City, UT 84720

Leigh Kuwanwisiwma  
Hopi Cultural Preservation Office  
P.O. Box 123  
Kykotsmovi, AZ 86039-0123

Phil Pikyavit  
Kanosh Band, Southern Paiute Tribe  
P.O. Box 101



Kanosh, UT 84637

Gail Rollo  
Southern Paiute Tribe  
440 North Paiute Drive  
Cedar city, UT 84720

Lora Tom  
Paiute Tribe of Utah  
440 North Paiute Drive  
Cedar City, UT 84720

**State Agencies**

Roger Foisy  
Central Area Coordinator  
Utah Division of Air Quality  
288 North 1460 West  
Salt Lake City, UT 84114  
(435) 896-5451

Judy Watanabe  
State Flood Plain Manager  
Division of Comprehensive Emergency Management  
State Office Bldg., Room 1110  
PO Box 141710  
Salt Lake City, UT 84114-1710

Doug Sakaguchi  
Resource Analyst  
Utah Division of Wildlife Resources, Central Region  
1115 North Main Street  
Springville, UT 84663  
(801) 489-5678

Gary Ogborn  
Resource Analyst  
Utah Division of Wildlife Resources, Central Region  
1115 North Main Street  
Springville, UT 84663  
(801) 489-5678

Stan Beckstrom, Resource Analyst  
Utah Division of Wildlife Resources  
Southern Region  
PO Box 606  
1470 North Airport Road  
Cedar City, UT 84721-0606  
(435) 865-6112

Tharold Green  
Utah Division of Parks and Recreation  
1636 West North Temple, Suite 116  
Salt Lake City, UT 84116-3156

Pat Jerome  
Yuba Lake State Park Manager  
Utah Division of Parks and Recreation  
1636 West North Temple, Suite 116  
Salt Lake city, UT 84116-3156

James Dykeman

Preservation Planner  
Utah State Historic Preservation Office  
300 South Rio Grande  
Salt Lake City, UT 84101-1182

Kent Gray, Director  
Utah Division of Environmental Response and Remediation  
168 North 1950 West (Building #2)  
First Floor Box 144840  
Salt Lake City, UT 84114-4840

Rick McBrier  
School and Institutional Trust Lands Administration (SITLA)  
675 East 500 South, Suite 500  
Salt Lake City, UT 84102

Dan Kuhn  
UDOT Program Development  
UDOT Complex  
4501 South 2700 West  
Salt Lake City, UT 84114  
(801) 965-4148

**County/City Government**

Dean Anderson  
Sevier River Water Users Association  
800 West 100 North  
Delta, UT 84624  
(435) 864-2494

Clyde Bunker  
Sevier River Water Users Association  
1670 North Jones Road  
Sutherland, UT 8462  
(435) 864-2575

Richard Waddingham, Attorney  
Lower Sevier Water Users  
Waddingham & Peterson  
362 W. Main Street  
Delta, UT 84624-9205  
(435) 864-2748

Mr. Malcolm Nash  
Six County Association of Governments  
250 North Main St.  
Richfield, UT 84701

Sevier County Offices  
250 North Main  
Richfield, Utah 84701  
(435) 896-9262

City of Salina – Maintenance Dept.  
Public Works  
700 East Main  
Salina, UT 84654  
(435) 529-3450

Town of Sigurd – Maintenance Dept.  
Public Works

21 South State  
Sigurd, UT 84657  
(435) 896-6346

Sanpete County  
600 South 500 West  
Manti, UT 84642  
(435) 835-6442

Juab County  
160 N. Main  
Nephi, UT 84648  
(435) 623-3409

Gunnison City  
38 West Center  
Gunnison, UT 84634  
(435) 528-7969

Town of Fayette  
Town Hall  
100 E. Center  
P.O. Box 300564  
Fayette UT 84630Town

Centerfield Town  
Town Hall  
130 S. Main  
P.O. Box 220200  
Centerfield UT 84622

Mayor Linda Mickelsen  
Redmond Town  
Town Hall  
P.O. Box 117  
Redmond UT 84652

## CENTRAL UTAH RAIL PROJECT -Agency Meeting -

**Date:** May 21, 2003

**Time:** 10:00 a.m.

**Location:** Nephi City Council Chambers, 21 East 100 North, Nephi, Utah

**List of Attendees:**

Participants	Company/Department	E-mail
Nancy Demille	BLM, Richfield Office	Nancy_Demille@ut.blm.gov
Rod Lee	BLM, Richfield Office	Rod_Lee@blm.gov
Chris Witt	USFWS	<a href="mailto:Chris_Witt@fws.gov">Chris_Witt@fws.gov</a>
Kathy Twitchell	Fishlake National Forest	<a href="mailto:ktwitchell@fs.fed.us">ktwitchell@fs.fed.us</a>
Phil Pikyavit	Kanosh Band, Southern Paiute Tribe	None
Dean Anderson	Sevier River Water Users Assoc.	waterman@gavtron.com
Terry Green	Utah Div. Parks and Rec.	TerryGreen@utah.gov
Jeff Rasmussen	Utah Div. Parks and Rec. - Yuba Res.	JeffRasmussen@utah.gov
Doug Sakaguchi	DWR – Central Region	<a href="mailto:DougSakaguchi@utah.gov">DougSakaguchi@utah.gov</a>
Gary Ogborn	DWR – Central Region	<a href="mailto:GaryOgborn@utah.gov">GaryOgborn@utah.gov</a>
Tom Shore	FS Manti La-Sal	<a href="mailto:tshore@fs.fed.us">tshore@fs.fed.us</a>
Vic Parslow	NRCS	Victor.parslow@ut.usda.gov
Glenn Greenalch	Juab County	<a href="mailto:glenng@co.juab.ut.us">glenng@co.juab.ut.us</a>
Representative	Southern Paiute Tribe	
Malcolm Nash	Sevier County Economic Development	sevierutah@hotmail.com
Val Payne	Dept. Natural Resources	valpayne@utah.gov
Rick Black	HDR Engineering, Inc.	rblack@hdrinc.com
Mark Wollschlager	HDR – Minneapolis	Mark.Wollschlager@hdrinc.com
Cindy Charles (or rep.)	Kooshare Band, Southern Paiute Tribe	
Jody Gale	USU Extension	
Comm. Gary Mason	Sevier County	
Russ Cowley	Six County Ass. Gov.	
Lou Brown	State Institutional Trust Lands Office (SITLA) - Richfield	



## **SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34075

**ACTION:** Notice of Scoping Meetings and Request for Comments.

**SUMMARY:** On July 30, 2001 the Six Counties Association of Governments (SCAOG), a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne counties in central Utah, filed a petition with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) 10502 for authority for the construction and operation of a new rail line connecting Levan, Utah to Salina, Utah. In the petition, the Applicant proposes the construction of approximately 43 miles of new rail line to serve shippers in central Utah, particularly Southern Utah Fuels Company (SUFCO) coal operations. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate.

SEA is holding public Scoping meetings as part of the EIS process, as discussed in the Notice of Intent to Prepare an EIS published by the Board on September 30, 2003.

**DATES AND LOCATIONS:** Scoping meetings will be held at the following dates and locations:

6:00 p.m. to 8 p.m.  
Wednesday, October 22, 2003  
North Sevier High School  
350 West 400 North  
Salina, Utah

6:00 p.m. to 8 p.m.  
Thursday, October 23, 2003  
Gunnison City Hall  
38 West Center Street  
Gunnison, Utah

The public Scoping meetings will be informal meetings in an open house format during which interested persons may ask questions about the proposal and the Board's environmental review process, and advise the Board's representative about potential environmental effects of the project. A Board representative will provide a brief overview of the project at the meeting. Scoping comments are due November 30, 2003 (60 days).



**SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34075

**FILING ENVIRONMENTAL COMMENTS:** Interested persons and agencies are invited to participate in the EIS scoping process. A signed original and 10 copies of comments should be submitted to:

Office of the Secretary  
Case Control Unit  
STB Finance Docket No. 34075  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423-0001

To ensure proper handling of your comments, you must mark your submission:

Attention: Phillis Johnson-Ball  
Section of Environmental Analysis  
Environmental Filing

**FOR FURTHER INFORMATION CONTACT:**

Ms. Phillis Johnson-Ball  
Section of Environmental Analysis,  
Surface Transportation Board,  
1925 K Street, NW  
Washington, D.C. 20423-0001

The website for the Surface Transportation Board is [www.stb.dot.gov](http://www.stb.dot.gov).



**SURFACE TRANSPORTATION BOARD**  
*Washington, DC 20423*

*Section of Environmental Analysis*

December 4, 2003

Mr. Aden Seidlitz  
Field Manager- U.S. Department of Interior  
Bureau of Land Management, Richfield Office  
150 East 900 North  
Richfield, UT 84701

RE: Finance Docket No. 34075, Six County Association of  
Governments- Construction and Operation Exemption- Rail Line  
between Levan and Salina, Utah, Environmental Review - Agency  
Cooperation

Dear Mr. Seidlitz:

As we notified Ms. Wisely in our letter dated April 1, 2003, the Six County Association of Governments (SCAOG) comprising the Utah counties of Sevier, Juab, Sanpete, Millard, Piute, and Wayne applied to the Surface Transportation Board (Board) on July 30, 2001 for authority to construct and operate a 43-mile line of new single-track rail line in Sanpete, Sevier, and Juab Counties, Utah. The proposed right-of-way would have a width of approximately 100 feet. SCAOG anticipates operating an average of one to two trains per day. Most shipments would consist of coal from the SUFCO coal mines. In addition to coal shipments, SCAOG anticipates shipping smaller quantities of petroleum products, lumber products, nonmetallic minerals, wallboard, and plaster.

The construction and operation of this project has the potential to result in significant environmental impacts. Therefore, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. As you are aware, the project may impact properties under the jurisdiction of the U.S. Department of Interior, Bureau of Land Management. The purpose of this letter is to ascertain whether the U.S. Department of Interior, Bureau of Land Management wishes to act as a cooperating agency under CFR 1501.6 in the preparation of this EIS or whether it would prefer to review the draft EIS along with the other commenting agencies.

Please feel free to contact Phyllis Johnson-Ball of my staff at (202) 565-1530 (e-mail address: [johnson-ballp@stb.dot.gov](mailto:johnson-ballp@stb.dot.gov)), or Rick Black at HDR Engineering (801) 281-8892 (e-mail address: [Rick.Black@hdrinc.com](mailto:Rick.Black@hdrinc.com)) if you have any questions.



*SURFACE TRANSPORTATION BOARD*  
*Washington, DC 20423*

*Section of Environmental Analysis*

Sincerely,

A handwritten signature in blue ink, which appears to read "Victoria Rutson".

Victoria Rutson  
Chief  
Section of Environmental Analysis



***SURFACE TRANSPORTATION BOARD***  
*Washington, DC 20423*

*Section of Environmental Analysis*



January 6, 2004

«First\_Name» «Last\_Name»  
«Title»  
«Organization»  
«Address»  
«City», «State» «Zip»

**Re: Finance Docket No. 34075, Six County Association of Governments –  
Construction and Operation – Rail Line between Levan and Salina, Utah –  
Release of the Draft Scope of Analysis**

Dear «First\_Name» «Last\_Name»,

Thank you for your interest in the Six County Association of Governments' proposed construction and operation of a rail line between Juab and Salina, Utah. Enclosed is a copy of the Draft Scope of Analysis for the Central Utah Rail Project (CURP) Environmental Impact Statement (EIS). This Draft Scope of Analysis was published in the Federal Register on December 24, 2003. This Draft Scope of Analysis outlines the issues that will be studied in detail during the environmental review process. Comments on the Draft Scope of Analysis will be accepted in writing until January 24, 2004. Comments should be submitted to:

Office of the Secretary  
Case Control Unit  
STB Finance Docket No. 34075  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

To ensure proper handling of your comments, you must mark your submission:

Attention: Phillis Johnson-Ball  
Section of Environmental Analysis  
Environmental Filing

Central Utah Rail Project Draft Scope of Analysis  
January 6, 2004  
Page 2

For more information, contact Phillis Johnson-Ball or Rick Black at the following addresses:

Phillis Johnson-Ball  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

Rick Black  
HDR Engineering  
3995 South 700 East, Suite 100  
Salt Lake City, UT 84107  
(801) 281-8892  
[Rick.Black@hdrinc.com](mailto:Rick.Black@hdrinc.com)

The Web site for the Surface Transportation Board is [www.stb.dot.gov](http://www.stb.dot.gov). The CURP hotline phone number is (801) 281-8892 ext. 134.

Please contact me if you have any questions or concerns. Thank you for your time.

Sincerely,

Rick Black  
HDR Engineering  
CURP Environmental Manager

34308  
SEA

SERVICE DATE - DECEMBER 24, 2003

SERVICE DATE

SURFACE TRANSPORTATION BOARD

Finance Docket No. 34075

Six County Association of Governments - Construction and Operation Exemption - Rail Line  
between Levan and Salina, Utah

Decided: December 19, 2003

**ACTION:** Notice of Availability of Draft Scope of Analysis for the Environmental Impact Statement.

**SUMMARY:** On July 30, 2001, the Six County Association of Governments (SCAOG), a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne counties in central Utah, filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. 10502 for authority for construction and operation of a new rail line between Levan and Salina, Utah. The project would involve approximately 43 miles of new rail line and ancillary facilities to serve shippers in central Utah, particularly Southern Utah Fuels Company (SUFCO) coal operations. Because the construction and operation of this project has the potential to result in significant environmental impacts, the Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate. SEA held public scoping meetings as part of the EIS process, as discussed in the Notice of Scoping Meetings and Request for Comments published by the Board on October 20, 2003. As part of the scoping process, SEA has developed a draft Scope of Analysis for the EIS.

SEA has made available for public comment the draft Scope of Analysis contained in this notice. SEA will issue a final Scope of Analysis shortly after the close of the comment period. Written comments on the Scope of Study are due January 26, 2004.

**Filing Environmental Comments:** Interested persons and agencies are invited to participate in the EIS scoping process. A signed original and 10 copies of comments should be submitted to:

Surface Transportation Board  
Case Control Unit  
STB Finance Docket No. 34075  
1925 K Street, NW  
Washington, DC 20423-0001

with the following designation written in the lower left-hand corner of the envelope:

Attention: Phillis Johnson-Ball  
Environmental Project Manager  
Environmental Filing

**For Further Information Contact:** Ms. Phillis Johnson-Ball, Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423-0001. The website for the Surface Transportation Board is [www.stb.dot.gov](http://www.stb.dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Draft Scope of Analysis for the EIS**

**Proposed Action and Alternatives**

The proposed action, known as the Central Utah Rail project, involves the construction and operation of approximately 43 miles of new rail line connecting the existing Union Pacific Railroad (UPRR) line near Levan, Utah, to a proposed coal transfer terminal facility near Salina, Utah. Implementation of the proposed project would restore rail service to the Sevier Valley, providing a more direct connection to rail service for the coal industry (primarily SUFCO), provide rail service to other shippers in the Sevier Valley, and reduce the number of trucks on highways in the Sevier Valley.

The reasonable and feasible alternatives that will be evaluated in the EIS are (1) construction and operation of the proposed project, (2) the no-action alternative, and (3) alternative alignments identified during the scoping process.

**Environmental Impact Analysis**

**Proposed New Construction**

Analysis in the EIS will address the proposed activities associated with the construction and operation of new rail facilities and their potential environmental impacts, as appropriate.

**Impact Categories**

The EIS will address potential impacts from the proposed construction and operation of new rail facilities on the human and natural environment. Impact areas addressed will include the categories of land use, biological resources, water resources, geology and soils, air quality, noise, energy resources, socioeconomics as they relate to physical changes in the environment, safety, transportation systems, cultural and historic resources, recreation, aesthetics, and environmental justice. The EIS will include a discussion of each of these categories as they currently exist in the project area and will address the potential impacts from the proposed project on each category as described below:

**1. Land Use**

The EIS will:

- a. Describe existing land use patterns within the project area and identify those uses that would be potentially impacted by proposed rail line construction.
- b. Describe the potential impacts associated with the proposed new rail line construction on land uses identified in the project area. Such impacts may include impacts on farming and ranching activities, incompatibility with existing land uses, and conversion of land to railroad uses.
- c. Propose mitigative measures to minimize or eliminate potential project impacts on land use, as appropriate.

**2. Biological Resources**

The EIS will:

- a. Describe existing biological resources within the project area, including vegetative communities, wildlife and fisheries, and federal and state threatened or endangered species, and the potential impacts on those resources resulting from construction and operation of proposed rail facilities.
- b. Describe any wildlife sanctuaries, refuges, and national or state parks, forests, or grasslands within the project area and potential impacts on these resources resulting from construction and operation of the proposed rail line and ancillary facilities.
- c. Propose mitigative measures to minimize or eliminate potential project impacts on biological resources, as appropriate.

**3. Water Resources**

The EIS will:

- a. Describe the existing surface and groundwater resources within the project area, including lakes, rivers, streams, ponds, wetlands, and floodplains, and the potential impacts on these resources resulting from construction and operation of the proposed rail line and ancillary facilities.
- b. Describe the permitting requirements for the proposed new rail line construction regarding wetlands, stream and river crossings, water quality, and erosion and sedimentation control.
- c. Describe the existing private water wells located within the project area and potential impacts, if any, to water quality due to vibration from haul trains.
- d. Describe current access to irrigation water within the project area and potential impacts due to alignment location.
- e. Propose mitigative measures to minimize or eliminate potential project impacts on water resources, as appropriate.

**4. Geology and Soils**

The EIS will:

- a. Describe the geology and soils within the project area, including unique formations, problematic/hazardous geology or soils, prime or unique farmland soils, hydric soils, and the potential impacts on these resources resulting from the construction and operation of the proposed rail line.
- b. Propose mitigative measures to minimize or eliminate potential project impacts on geological resources and/or soils, as appropriate.

**5. Air Quality**

The EIS will:

- a. Describe the attainment status of the project area, including proximity to any Class I or non-attainment area as designated under the Clean Air Act. Estimates of air emissions related to the construction and operation of the proposed new rail line will be prepared.
- b. Discuss and evaluate the potential air emissions changes from diversion of existing vehicle-related emissions to rail.
- c. Propose mitigative measures to minimize or eliminate potential impacts related to the construction and operation of the proposed rail line.

**6. Noise**

The EIS will:

- a. Describe the potential noise impacts of new rail line construction and operation for those sensitive receptors (houses, schools, etc.) where the increase may exceed 3 dbA Ldn or exceed a total of 65 dbA Ldn.
- b. Propose mitigative measures to minimize or eliminate potential project impacts on noise receptors, as appropriate.

**7. Energy Resources**

The EIS will:

- a. Describe the potential impact of the new rail line on the distribution of energy resources in the project area, including petroleum and gas pipelines and overhead electric transmission lines.
- b. Propose mitigative measures to minimize or eliminate potential project impacts on energy resources, as appropriate.

**8. Socioeconomics**

The EIS will:

- a. Describe the potential environmental impacts on residences, residential areas, and communities within the project area as a result of new rail line construction and operation activities.
- b. Describe the potential environmental impacts on commercial and industrial activities and development in the project area as a result of new rail line construction and operation activities.
- c. Propose mitigative measures to minimize or eliminate potential project impacts on socioeconomic resources, as appropriate.

**9. Safety**

The EIS will:

- a. Describe new at-grade rail crossings that would result from construction of the rail line and the potential for an increase in accidents related to the new rail line operations, as appropriate.
- b. Describe rail operations and the potential for increased probability of train accidents, as appropriate.
- c. Describe safety factors, as appropriate, for rail/pipeline crossings, if any exist in the project area.
- d. Describe existing trucking operations for coal hauling and the potential for accidents from those operations.
- e. Describe the potential for disruption and delays to the movement of emergency vehicles due to new rail line construction and operations.
- f. Propose mitigative measures to minimize or eliminate potential project impacts on safety, as appropriate.

**10. Transportation Systems**

The EIS will:

- a. Describe the potential impacts of new rail line construction and operation on the existing transportation network in the project area, including vehicular delays at at-grade road/rail crossings.
- b. Describe potential impacts on navigation associated with proposed new bridges.
- c. Describe effects of current coal trucking operations on the existing road network and communities.
- d. Describe current access to recreation locations within the project area and potential impacts from rail line construction and operation.
- e. Propose mitigative measures to minimize or eliminate potential project impacts on transportation systems, as appropriate.

**11. Cultural and Historic Resources**

The EIS will:

- a. Describe the potential impacts on historic structures or districts previously recorded and determined potentially eligible, eligible, or listed on the National Register of Historic Places (NRHP) that are within or immediately adjacent to the right-of-way for the proposed and alternative rail alignments.
- b. Describe the potential impacts on archaeological sites previously recorded and either listed as unevaluated or determined potentially eligible, eligible, or listed on the NRHP that are within or immediately adjacent to the right-of-way for the proposed and alternative rail alignments.
- c. Describe the potential impacts on historic structures or districts determined to be potentially eligible, eligible, or listed on the NRHP that are within the right-of-way for the proposed and alternative rail alignments.
- d. Describe the likelihood for unrecorded, buried archaeological sites to exist within the right-of-way for the proposed and alternative rail alignments, the potential that the sites are eligible for listing on the NRHP, and the potential impact of the rail construction on the sites.
- e. Describe the potential general impacts on paleontological resources in the project area due to project construction, if necessary.
- f. Propose mitigative measures to minimize or eliminate potential project impacts on cultural and historic resources, as appropriate.

**12. Recreation**

The EIS will:

- a. Describe potential impacts of the proposed new rail line construction and operation on recreational opportunities provided in the project area.
- b. Propose mitigative measures to minimize or eliminate potential project impacts on recreation resources, as appropriate.

**13. Aesthetics**

The EIS will:

- a. Describe the potential impacts of the proposed new rail line construction and operation on any areas determined to be of high visual quality.
- b. Describe the potential impacts of the proposed new rail line construction and operation on any waterways designated or considered for designation as wild and scenic.
- c. Propose mitigative measures to minimize or eliminate potential project impacts on aesthetics, as appropriate.

**14. Environmental Justice**

The EIS will:

- a. Describe demographics in the project area and the immediate vicinity of the



**Appendix C**

**(See Appendix C of this Draft EIS)**

**Appendix D**  
**Available Upon Request**

**Appendix E**

**Available Upon Request**